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15 ERICK J. BLANDINO

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

19 ERICK J. BLANDINO, individually and on ) Case No. C 12-1729 WHO  
20 behalf of all others similarly situated, )  
21 Plaintiff, ) **STIPULATION AND [PROPOSED]  
22 v. ) ORDER CONTINUING CASE  
23 MCM CONSTRUCTION, INC., and DOES 1- ) MANAGEMENT CONFERENCE AND  
24 20, ) BRIEFING SCHEDULE ON MOTION  
25 Defendants. ) FOR PRELIMINARY APPROVAL  
26 )**

## STIPULATION

Plaintiff Erick Blandino (“Plaintiff”) and Defendant MCM Construction, Inc. (“Defendant”), (collectively “the Parties”), stipulate and agree as follows:

4           **WHEREAS**, the Parties engaged in two separate all-day mediation sessions on January  
5       29 and March 5, 2013. Although the Parties were not able to reach resolution at mediation, the  
6       parties continued to engage in settlement discussions through Mr. Eric Tate, the court-appointed  
7       mediator from Morrison Foerster. The parties have entered into a settlement of Plaintiff's  
8       individual claims, which has been finalized and the parties anticipate dismissing the individual  
9       claims shortly. With respect to the class action claims, the parties have come to an agreement on  
10      the material terms of a class action settlement and are in the process of finalizing the settlement  
11      agreement;

12       **WHEREAS**, on July 12, 2013, the Parties filed a Joint Case Management Conference  
13 Statement and requested that the Court set the hearing on Plaintiff's Motion for Preliminary  
14 Approval of Class Action Settlement ("Motion for Preliminary Approval") on September 11,  
15 2013. On July 25, 2013, the Court entered a Clerk's Notice, setting a Case Management  
16 Conference and the Motion for Preliminary Approval, to take place on September 11, 2013, at  
17 2:00 P.M. in Courtroom 2 (docket number 36). Based on the current hearing date, the Motion  
18 for Preliminary Approval must be filed on or before August 7, 2013;

19       **WHEREAS**, the Parties have finalized all material terms of the class action settlement  
20 but continue to work on updating the information necessary in order to file the Motion for  
21 Preliminary Approval, including preparing the claim form and class notice that will be sent to all  
22 class members. The Parties anticipate they will have entered into the final settlement agreement  
23 and gathered and updated all class information for the filing of the Motion for Preliminary  
24 Approval within the next several weeks.

25           **IT IS HEREBY STIPULATED** by the Parties herein, through their counsel of record,  
26 as follows:

1       The deadline for Plaintiff to file the Motion for Preliminary Approval shall be continued  
2 from August 7, 2013, to September 4, 2013. The Case Management Conference and the hearing  
3 on the Motion for Preliminary Approval shall be continued from September 11, 2013, to October  
4 9, 2013, or as soon thereafter as is convenient for the Court.

5 **IT IS SO STIPULATED.**

6  
7 DATED: August 5, 2013

/s/ David S. Harris

David S. Harris  
NORTH BAY LAW GROUP  
Attorneys for Plaintiff Erick Blandino

8  
9  
10 DATED: August 5, 2013

/s/ Eric Hill

11  
12 Eric Hill  
SEYFARTH SHAW  
13 Attorneys for Defendant  
MCM Construction, Inc.

14  
15 **ORDER**

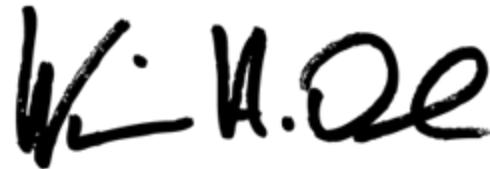
16       Based on the parties' stipulation, the Court ORDERS that:

17       Plaintiff's deadline to file the Motion for Preliminary Approval shall be continued from  
18 August 7, 2013, to September 4, 2013.

19       The Case Management Conference and the hearing on the Motion for Preliminary  
20 Approval shall be continued from September 11, 2013, to October 9, 2013 at 2:00 p.m.

21       **IT IS SO ORDERED.**

22  
23 Dated: August 5, 2013

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26  
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28   
William H. Orrick  
United States District Judge